

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JAMES DALE FRAZIER, JR

PLAINTIFF

v.

Civil No. 04-5140

SHERIFF KEITH FERGUSON; MAJOR
GENE DRAKE; CAPTAIN HUNTER PETRAY;
LT. HENDRICK; the BENTON COUNTY

DEFENDANT

O R D E R

Now on this 27th day of February, 2006, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #25), in this matter, to which no objections have been made, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted *in toto***.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, **defendants' motion for summary judgment is granted only as to the First Amendment claims brought under 42 U.S.C. § 1983 and those claims are dismissed with prejudice.** The plaintiff's claim that the defendants' actions violated RLUIPA remain pending before Magistrate Judge Beverly S. Jones for a Report and Recommendation.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE